

Selby Local Plan: Second Pre-Publication Local Plan: January 2024 Habitats Regulations Assessment: Summary for Committee

Introduction

- 1.1 This short note is a summary of the HRA process and the key outputs at this stage to help inform the February Committee.
- 1.2 Under the Conservation of Habitats and Species Regulations 2017 (as amended), an Appropriate Assessment is required, where a plan or project is likely to have a significant effect upon a European Site, either individually or 'in combination' with other projects.
- 1.3 The objective of the HRA is to identify any aspects of the Plan that would cause an adverse effect on the integrity of European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), candidate Special Areas of Conservation (cSACs), potential Special Protection Areas (pSPAs) and, as a matter of Government policy, Ramsar sites), either alone or in combination with other plans and projects, and to advise on appropriate policy mechanisms to avoid an adverse effect on the integrity of a European site resulting where such effects were identified.
- 1.4 In order to ascertain whether or not site integrity will be affected, an Appropriate Assessment should be undertaken of the plan or project in question:

Figure 1: The legislative basis for Appropriate Assessment

Conservation of Habitats and Species Regulations 2017 (as amended)

The Regulations state that:

“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.

Methodology

- 1.5 The HRA has been carried out with reference to the general EC guidance on HRA¹; the UK government has also produced its own internal guidance². These have been referred to in undertaking this HRA.

¹ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

² <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

- 1.6 Figure 2 below outlines the stages of HRA. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations, and any relevant changes to the plan until no significant adverse effects remain.

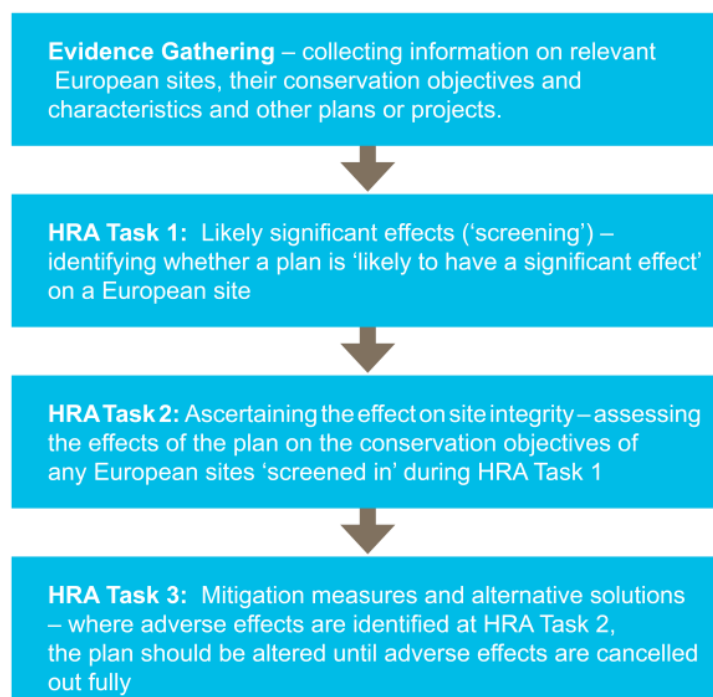


Figure 2. Four Stage Approach to Habitats Regulations Assessment. Source EC, 2001¹.

Assessment

- 1.7 The HRA discussed potential implications of the Selby Local Plan on European sites within the former Selby district and up to 10km from the authority boundary. Several impact pathways were identified to be relevant, including recreational pressure, loss of functionally linked habitat, water quality, water quantity, level and flow, and atmospheric pollution. At the initial Likely Significant Effect stage, all impact pathways were taken forward to Appropriate Assessment, for a more detailed appraisal of potential effects on European sites. Due to an absence of Likely Significant Effects, the Kirk Deighton SAC, the Thorne & Hatfield Moors SPA and the Thorne Moor SAC were excluded from Appropriate Assessment. The following paragraphs summarise the main conclusions and recommendations arising from work carried out in the Appropriate Assessment.

Recreational Pressure

Lower Derwent Valley SPA / Ramsar / SAC, Skipwith Common SAC, Humber Estuary SAC/SPA/Ramsar

- 1.8 It was determined that the Selby Local Plan would lead to a relatively small amount of growth (320 dwellings) within 5km of the either SPA / Ramsar / SAC, with most housing lying beyond easy walking distance. For Lower Derwent Valley SPA/SAC/Ramsar the access point to the European site most relevant to the former Selby district was least busy in Footprint Ecology's visitor survey (no visitors were recorded over 16 hours of

surveying). The amount of housing proposed for allocation within 5km of the SAC/SPA/Ramsar site is small and analysis of the visitor survey data for the SAC/SPA/Ramsar site leads to a conclusion that this amount of housing growth will not significantly change visitor pressure in the SAC/SPA/Ramsar even in combination with other plans and projects due to low levels of visitor use of the closest parts of the SPA to these allocations. However, Natural England noted in consultation responses that for Lower Derwent Valley SAC/SPA the surveyed focussed on certain gateways to the site and therefore may have underestimated diffuse visitors.

- 1.9 Moreover, the Council will review the Lower Derwent Valley SPD that was produced with adjacent local authorities as a draft in 2017, with a view to adoption as a method of addressing future recreational pressure. The SDP was adopted by ERYC in 2018 as at that moment in time the other local authorities involved in the document, including Selby, were/ are at different stages in the preparation of their respective Local Plans, and SPDs must relate to adopted Local Plan policies. This is reflected in a requirement in Policy NE1 that *'Proposals that may directly, indirectly or cumulatively impact on a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site sites will only be supported where it can be demonstrated that there will be no adverse effects on the integrity of the sites... This part of the Policy relates to development that is located within... the 1km Lower Derwent Valley Area of Restraint. Such development must consider the guidance set out in the Lower Derwent Valley Supplementary Planning Document or its successor ... 5 Kilometres of the Lower Derwent Valley SAC/SPA/Ramsar ... must have regard to up to date visitor monitoring data and where necessary apply appropriate mitigation to reduce recreational pressure from development, including any necessary financial contributions towards the delivery of measures identified in the Lower Derwent Valley Supplementary Planning Document'*.
- 1.10 The Local Plan allocates 382 dwellings within 5km of the Skipwith Common SAC, a distance that typically reflects the core recreational catchment of heathland sites. It is considered unlikely that the other specific allocations would have an impact on the SAC 'alone' and the remainder of this assessment thus considers the impacts of Policy SG2 (Spatial Approach), particularly in-combination with residential growth projected in the City of York. Extrapolating from visitor survey data it is therefore considered that the development in the Local Plan would make a negligible contribution to any increase in recreational pressure on Skipwith Common SAC. Nonetheless, as a precaution Policy NE1 of the Local Plan includes a requirement in Policy NE1 that *'Proposals that may directly, indirectly or cumulatively impact on a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site sites will only be supported where it can be demonstrated that there will be no adverse effects on the integrity of the sites... This part of the Policy relates to development that is located within... 5 Kilometres of Skipwith Common SAC, must have regard to up to date visitor monitoring data and where necessary apply appropriate mitigation to reduce recreational pressure from development'*.
- 1.11 Finally, to ensure that the integrity of the Lower Derwent Valley SPA / Ramsar / SAC and the Skipwith Common SAC is maintained in the long-term, it was recommended that visitor monitoring in these sites is undertaken every five years. Moreover, Policy NE1 has been specifically amended to ensure that developments will need to consider their

potential for causing recreational pressure within 5km of these sites (or 10km of Humber Estuary SAC/SPA/Ramsar site) and if necessary provide mitigation.

- 1.12 The residential sites closest to the Humber Estuary allocated in the Selby Local Plan are in Hemingbrough, amounting to a relatively modest increase of 131 dwellings over the plan period. At their closest point, these new dwellings will be approx. 6.6km from the Humber Estuary SPA / Ramsar / SAC. Furthermore, it is to be noted that most allocations, especially the larger settlements, lie further than 11.5km from the site. Given the data presented above, in particular the postcode and visitor origins data, it is considered unlikely that residential growth in the former Selby district will materially increase recreational pressure along the Humber estuary, 'alone' or in-combination and thus no adverse effect on integrity would arise. However, to underline this conclusion additions have been made to Policy NE1.
- 1.13 Overall, given this evidence, it was concluded that the emerging Selby Local Plan will not result in adverse effects on the site integrity of the Lower Derwent Valley SPA / Ramsar / SAC, Skipwith Common SAC or Humber Estuary SPA/SAC/Ramsar regarding recreational pressure.

Loss of Functionally Linked Habitat

Lower Derwent Valley SPA / Ramsar and the Humber Estuary SPA / Ramsar

- 1.14 The Appropriate Assessment indicated that several of the residential and employment sites allocated in the Selby Local Plan lie within the maximum foraging distances of Bewick's swans and golden plover, qualifying species of nearby European sites such as the Lower Derwent Valley SPA / Ramsar and the Humber Estuary SPA / Ramsar that will forage inland as opposed to being predominantly coastal feeders like the other qualifying species. Furthermore, several sites comprise suitable foraging habitat and are sufficiently large to be potentially linked to European sites. While the Selby Local Plan already requires for proportionate ecological assessments, AECOM recommends that further wording requiring the need for overwintering bird surveys is included in the plan to provide further specificity. At present, adverse effects (without mitigation) arising from some of the sites allocated in the Local Plan cannot be excluded, particularly in relation to the Lower Derwent Valley SPA / Ramsar.
- 1.15 This relates to the following sites:
- OSGB-I Land east of Sand Lane, Osgodby
 - CARL-G Land north of Mill Lane, Carlton
 - CLIF-O Land north of Cliffe Primary School, Main Street, Cliffe
 - HEMB-G Land East of Mill Lane, Hemingbrough
 - SELB-BZ Cross Hills Lane, Selby
 - SELB-CA Olympia Park, Barlby Road, Barlby
 - NDUF-D Land north of the A163
 - NDUF-O Land north of Gothic Farm, Back Lane
 - RICC-J Land at Landing Lane
- 1.16 Policy NE1 supporting text states *"To meet the requirements of the Habitats Directive, developers of sites within 10km of these designations must provide evidence that*

proposals will not result in adverse effects on the integrity of designated areas and associated wildlife through loss of functionally-linked land. Evidence that the development proposals will not cause adverse effects should be submitted through the planning application process, and can be either because the development site is not a suitable habitat, or does not currently support a significant proportion of the protected species associated with the designation. Evidence should include surveys of the a proposed development sites current usage, (if any), by designated species, including for over wintering SPA/Ramsar bird species. A land parcel can be considered to support a significant population of a designated species if it is accessed by 1% of the qualifying bird population. Non-breeding bird surveys must be undertaken during autumn, winter and spring.”

- 1.17 The sites identified in Table 6 have also been listed as requiring “*Appropriate Assessment for functionally linked habitats as they lie within the typical foraging ranges of species associated with the Lower Derwent Valley and Humber Estuary SPA/Ramsar designations*”.
- 1.18 With the inclusion of this text to Policy NE1 supporting text, adverse effects on the integrity of the Lower Derwent Valley SPA / Ramsar can be excluded.

Water Quality

River Derwent SAC, Lower Derwent Valley SPA / Ramsar and Humber Estuary SPA / Ramsar

- 1.19 The qualifying habitats and species of the River Derwent SAC, the Lower Derwent Valley SPA / Ramsar and the Humber Estuary SPA / Ramsar are sensitive to negative changes in water quality, particularly the discharge of phosphorus in wastewater. Potential sources of phosphorus from development sites include surface runoff from impermeable surfaces and leaking / overflowing Package Treatment Plants (PTPs), as well as treated sewage effluent from Wastewater Treatment Works (WWTWs).
- 1.20 Regarding the discharge of treated sewage effluent, by far the most important contributor of these sources to phosphorus loading in freshwater systems. Policy IC4 (Water Supply, Wastewater Treatment and Drainage Infrastructure) aims to ensure that adequate water supply and wastewater infrastructure to existing, new, or improved, wastewater drainage and treatment facilities is secured prior to first occupation of the development. Moreover, The need to protect water quality, level or flow is also addressed by Policy NE 1 of the Local Plan, which states that any application that has the potential to affect water quality, levels or flow within designated SACs/SPAs/Ramsars must consider potential impacts on hydrological regimes which could affect the integrity of designated habitats, applying appropriate mitigation where deemed necessary, including through measures set out in IC4 and NE5.
- 1.21 As such, adverse effects on the integrity of the River Derwent SAC, the Lower Derwent Valley SPA / Ramsar and the Humber Estuary SPA / Ramsar can be excluded.

Water Quantity, Level and Flow

River Derwent SAC, Lower Derwent Valley SPA / Ramsar and Humber Estuary SPA / Ramsar

1.22 The HRA of Yorkshire Water's WRMP has concluded that following inclusion of appropriate mitigation measures during the construction phase of relevant schemes that no adverse effects on the integrity of any European site are anticipated. In conclusion it is therefore considered that adverse effects on integrity will not arise from this pathway due to the Selby Local Plan, either alone or in combination with other plans or projects. The need to protect water quality, level or flow is also addressed by Policy NE 1 of the Local Plan, which states that any application that has the potential to affect water quality, levels or flow within designated SACs/SPAs/Ramsars must consider potential impacts on hydrological regimes which could affect the integrity of designated habitats, applying appropriate mitigation where deemed necessary, including through measures set out in IC4 and NE5.

Atmospheric Pollution

Skipwith Common SAC

1.23 The qualifying Northern Atlantic wet heaths with *Erica tetralix* and the European dry heaths within the SAC both have a critical nitrogen load of 5-15 kg N/ha/yr. Heathlands are nutrient-poor habitats and resident species have specifically adapted to these conditions. An exceedance of the critical load would lead to a transition from heather to more competitive grasses.

1.24 York Road, although a minor road, does lie within 200m of the SAC and could be affected by developmental growth. For this reason Natural England requested that air quality impacts on the SAC are covered by modelling. However, as a result of modelling it was possible to conclude that the Selby Local Plan will not have an adverse effect on the integrity of Skipwith Common SAC through reduced air quality either alone or in combination with other plans or projects.

Lower Derwent Valley SAC/SPA/Ramsar site

1.25 The lowland hay meadows in the Lower Derwent Valley SAC are sensitive to atmospheric pollution. The Appropriate Assessment determined that the A163, a likely commuter route between the East Riding of Yorkshire and Selby District, bisects the SAC and could lead to an increase in nitrogen deposition in sensitive habitats. While less sensitive, the golden plover feature of the SPA is also identified as being potentially sensitive to nitrogen deposition on alluvial meadow according to APIS. However, modelling demonstrated that it was possible to conclude that the Selby Local Plan will not have an adverse effect on the integrity of Lower Derwent Valley SPA/SAC/Ramsar through reduced air quality either alone or in combination with other plans or projects.